

Remarks/Arguments

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 1 and 21 have been amended to recite metal skins. Claim 18 has been amended to update its dependency. Claim 19 has been amended to provide the period improperly removed in the previous Amendment. Claim 25 has been canceled. No new matter has been added as a result of these amendments.

Entry of this After-Final Amendment is respectfully requested as the claims have been narrowed, thereby clarifying issues for Appeal.

35 U.S.C. § 102(b) Rejections

Applicant respectfully traverses the rejection of claims 1, 5, 11 and 19 under 35 U.S.C. §102(b) as anticipated by Hatch et al. (U.S. Patent No. 4,083,159). In order to anticipate, the cited reference must disclose each and every claimed element. Hatch et al. fail to do so, particularly with respect to the amended claims.

In particular, claim 1 (from which claims 5, 11 and 19 depend) has been amended to require that the first and second skins both be metal. Hatch et al. do not disclose or describe the use of metal skins and thus Hatch et al. cannot be considered as anticipatory. Favorable reconsideration is respectfully requested.

35 U.S.C. § 103(a) Rejections

Applicant respectfully traverses the rejection of claims 2, 3 and 4 under 35 U.S.C. §103(a) as unpatentable over Hatch et al. (U.S. Patent No. 4,083,159) in view of Palmersten (U.S. Patent No. 6,256,959). Claim 1, from which claims 2, 3 and 4 depend, has been distinguished above as patentable over Hatch et al. Palmersten cannot be considered as remedying the noted shortcomings of Hatch et al.

While Palmersten may be considered as disclosing the use of aluminum or steel skins, it is noted that metals such as aluminum and steel would not be considered by one of skill in the art as being acoustically transmissive. Hatch et al. is directed to a sound control panel that may be used underwater to absorb acoustical waves such as sonar. Underwater objects may be detected via sound waves that are reflected back to their source. The sound control panels disclosed by Hatch et al. may be used, for example, on

the exterior of a submarine to hide the submarine from sonar by absorbing, rather than reflecting, the acoustic waves. It will be recognized that the exterior of a submarine is metallic. Clearly, metal is not acoustically transmissive.

One of skill in the art, having read and understood the teachings and intent of Hatch et al., certainly would not be motivated to add metal skins to the construct disclosed by Hatch et al. as such a modification would essentially destroy the function of the Hatch et al. sound control panel. Such a modification cannot be considered as obvious. Therefore, it is not proper to rely upon Palmersten to remedy the noted shortcomings of Hatch et al. Thus, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the rejection of claims 6 and 7 under 35 U.S.C. §103(a) as unpatentable over Hatch et al. (U.S. Patent No. 4,083,159) in view of Nowobiliski et al. (U.S. Patent No. 4,514,450). Claim 1, from which claims 6 and 7 depend, has been distinguished above as patentable over Hatch et al. Nowobiliski et al. cannot be relied upon to remedy the noted shortcomings of Hatch et al.

While Nowobiliski et al. may describe thermal insulation panels having thin metal walls, one of skill in the art would have no reasonable motivation to add metal skins to the sound control panel disclosed by Hatch et al. As described above, such a modification would essentially destroy the function of the Hatch et al. sound control panel. Such a modification cannot be considered as obvious. Therefore, it is not proper to rely upon Nowobiliski et al. to remedy the noted shortcomings of Hatch et al. Thus, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the rejection of claims 8, 9 and 10 under 35 U.S.C. §103(a) as unpatentable over Hatch et al. (U.S. Patent No. 4,083,159) in view of Scott (U.S. Patent No. 3,386,218). Claim 1, from which claims 8, 9 and 10 depend, has been distinguished above as patentable over Hatch et al. Scott cannot be relied upon to remedy the noted shortcomings of Hatch et al.

While Scott may describe building panels having thin metal walls, one of skill in the art would have no reasonable motivation to add metal skins to the sound control panel disclosed by Hatch et al. As described above, such a modification would essentially

destroy the function of the Hatch et al. sound control panel. Such a modification cannot be considered as obvious. Therefore, it is not proper to rely upon Scott to remedy the noted shortcomings of Hatch et al. Thus, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the rejection of claims 12, 13, 14 and 15 under 35 U.S.C. §103(a) as unpatentable over Hatch et al. (U.S. Patent No. 4,083,159) in view of Cho et al. (U.S. Patent Publication No. 2003/0126830). Claim 1, from which claims 6 and 7 depend, has been distinguished above as patentable over Hatch et al. Cho et al. cannot be relied upon to remedy the noted shortcomings of Hatch et al.

While Cho et al. may describe sandwich panels having thin metal walls, one of skill in the art would have no reasonable motivation to add metal skins to the sound control panel disclosed by Hatch et al. As described above, such a modification would essentially destroy the function of the Hatch et al. sound control panel. Such a modification cannot be considered as obvious. Therefore, it is not proper to rely upon Cho et al. to remedy the noted shortcomings of Hatch et al. Thus, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the rejection of claim 16 under 35 U.S.C. §103(a) as unpatentable over Hatch et al. (U.S. Patent No. 4,083,159) in view of Blair et al. (U.S. Patent No. 6,511,730). Claim 1, from which claim 16 depends, has been distinguished above as patentable over Hatch et al. Blair et al. cannot be relied upon to remedy the noted shortcomings of Hatch et al.

Blair et al. describe fire resistant composite panels that do not appear to have metal skins. Thus, Blair et al. cannot be considered as remedying the noted shortcomings of Hatch et al. That Blair et al. may disclose metallic honeycomb support structures is not relevant in light of this distinction. Thus, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the rejection of claim 20 under 35 U.S.C. §103(a) as unpatentable over Hatch et al. (U.S. Patent No. 4,083,159) in view of MacMillan et al. (U.S. Patent No. 2,757,116). Claim 1, from which claim 20 depends, has been

distinguished above as patentable over Hatch et al. MacMillan et al. cannot be relied upon to remedy the noted shortcomings of Hatch et al.

While MacMillan et al. may describe structural panels that include metal components, one of skill in the art would have no reasonable motivation to add metal skins to the sound control panel disclosed by Hatch et al. As described above, such a modification would essentially destroy the function of the Hatch et al. sound control panel. Such a modification cannot be considered as obvious. Therefore, it is not proper to rely upon MacMillan et al. to remedy the noted shortcomings of Hatch et al. Thus, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the rejection of claims 21, 22, 23, 24, 26 and 27 under 35 U.S.C. §103(a) as unpatentable over Hatch et al. (U.S. Patent No. 4,083,159). This is not correct, particularly with respect to the amended claims. As noted above, Hatch et al. teach away from the use of metal skins as metal skins would destroy the functionality of the sound control panels taught by Hatch et al. Thus, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the rejection of claim 25 under 35 U.S.C. §103(a) as unpatentable over Hatch et al. (U.S. Patent No. 4,083,159) in view of Scott (U.S. Patent No. 3,386,218). Claim 25 has been canceled, thereby rendering the rejection moot. Applicant does not concede the correctness of the rejection, particularly as one of skill in the art would recognize that Hatch et al. teach away from the use of metal skins. Favorable reconsideration is respectfully requested.

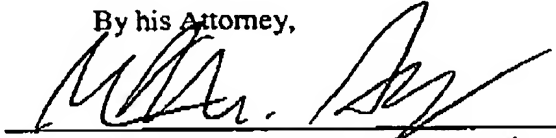
Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

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By his Attorney,

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